IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

WRIT PETITION NO. 2855 OF 2006

VIRAJ ENTERPRISES .. PETITIONER.

VS.

VISHWANATH U. MADA & ORS. .. RESPONDENTS.

MR.UDAY BOBADE I/B. S.D.NANGRE FOR THE PETITIONERS.

MR.NIKHIL BHAROD I/B. PRAVIN MEHTA & MITHI & CO. FOR RESPONDENT NOS. 1,2 AND 5.

MR. K.R.BELOSEY GP FOR RESPONDENT NO.6.

MR.A.Y.SAKHARE SR. AVOCATE, WITH MS. SHOBHA AJITKUMAR

FOR RESPONDENT NO.7.

MS. J.S.SALUJA I/B. M.V.KINI & CO. FOR RESPONDENT

NO.8

MR. G.D.UTANGALE FOR RESPONDENT NO.10.

.....

CORAM : J.N.Patel and A.A.Sayed, JJ.

DATE : July 31, 2007.

.....

P.C.

1. The learned Counsel for the Petitioner submits that though he is not concerned with the matter of misuse of the premises, which is reserved for pay and park, but it has been misused for the purpose of marketing used cars by Lexus Car Mart and

is used as a parking place for display of used cars. He further submits that he proposes to move the Competent Authority i.e. B.M.C. in the matter.

2. The learned Counsel for the Petitioner submits that he may be permitted to withdraw the petition with liberty to approach the B.M.C. for considering their proposal. Permitted to withdraw with liberty as sought.

3. The Petition is dismissed as withdrawn.

4. We expect that the Municipal Corporation as well as the State would take cognizance of the misuse of the place reserved for pay and park, for commercial purpose and if at all it is permitted to be so used, the Authorities should see to it that it being a public property, the revenue generated from it is either deposited in the Municipal Corporation's Fund or the State Exchequer and does not go into the pockets of anybody else.

.....

[J.N.Patel, J.]

[A.A.Sayed, J.]